



CITY OF TAUNTON CHARTER

Preamble

We, the people of Taunton, in order to ensure the rights and liberties of the people and to establish guiding principles for the operation of our local government, do adopt this Charter.

We envision and expect a local government that represents all individuals, supports vibrant neighborhoods, provides essential services, establishes quality schools, ensures safe and secure homes, celebrates diversity, supports local businesses, promotes community participation, and cares for those in need.

It is the intent of the people that this Charter will facilitate responsible management and use of public resources, enhance voter participation in an engaged citizenry, promote equality, inclusivity, and respect for all in the community, and secure ethical, transparent and responsive leadership.

Charter

HISTORY: Enacted by the Senate and House of Representatives in General Court assembled, Chapter ___ of the Acts of _____, Section ____, approved _____.

Article 1

INCORPORATION; SHORT TITLE; DEFINITIONS.

SECTION 1-1 INCORPORATION.

The inhabitants of the City of Taunton, within the territorial limits established by law, shall continue to be a municipal corporation, a body corporate and politic, under the name "City of Taunton".

SECTION 1-2 SHORT TITLE.

This act shall be known and may be cited as the City of Taunton Charter.

SECTION 1-3 DIVISION OF POWERS.

The administration of the fiscal, prudential and municipal affairs of the city, with the government thereof, shall be vested in an executive branch headed by a mayor and a legislative branch consisting of a municipal council. The legislative branch shall never exercise any executive power and the executive branch shall never exercise any legislative power.

SECTION 1-4 POWERS OF THE CITY.

Subject only to express limitations on the exercise of any power or function by a municipal government in the Constitution or General Laws of the Commonwealth, it is the intention and the purpose of the voters of the city through the adoption of this charter to secure for themselves and their government all of the powers it is possible to secure as fully and as completely as though each such power were specifically and individually enumerated in this charter.

SECTION 1-5 CONSTRUCTION.

The powers of the City of Taunton under this charter are to be construed liberally in favor of the city and the specific mention of any particular power is not intended to limit the general powers of the city as stated in sections 1 to 4, inclusive.

SECTION 1-6 INTER-GOVERNMENTAL RELATIONS.

Subject only to express limitations in the Constitution or General Laws of the Commonwealth, the city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the Commonwealth or any of its agencies or political subdivisions or with the United States government or any of its agencies or with any tribal or sovereign governments or subdivisions thereof.

SECTION 1-7 DEFINITIONS.

The following words shall have the following meanings unless the context requires otherwise:-

"Business day", any day on which Taunton city hall is open for the citizens of Taunton to conduct routine business.

"Charter", this charter and any adopted amendments to it.

"City", the City of Taunton.

"City agency", a multiple-member body, department, division or office of the city.

"Day" shall have its normal and ordinary meaning of a twenty-four hour period of time extending from 12:00 A.M. midnight and extending to 11:59 P.M.

"Municipal council", the entire authorized complement of the municipal council, notwithstanding any vacancy that might exist.

"City officer", when used without further qualification or description, a person having charge of an office or

department of the city who, in the exercise of the powers or duties of that position, exercises some portion of the sovereign power of the city.

“Department Director”, shall refer to the head or director or chief of any city department including the city solicitor and assistant city solicitors as well as the commissioner and supervisors of divisions of the department of public works.

“Domicile”, the place at which a person has been physically present and that the person regards as home; a person’s true, fixed, principal, and permanent home.

"Emergency", a sudden, unexpected and unforeseen happening, occurrence or condition that necessitates immediate action or response.

"Majority vote", a majority of all members of the body including vacancies.

"Measure", an ordinance, order, resolution or other vote or proceeding adopted, or that might be adopted, by the municipal council or the school committee.

"Multiple-member body", any board, commission, committee, subcommittee or other body consisting of not less than 2 persons, whether elected, appointed or otherwise constituted; provided, however, that "multiple-member body" shall not include the municipal council or the school committee.

"Quorum", a majority of all members of a multiple-member body unless some other number is required by law or by ordinance.

"Voters", registered voters of the City of Taunton.

Article 2

EXECUTIVE BRANCH.

SECTION 2-1 MAYOR: QUALIFICATIONS; TERM OF OFFICE; PROHIBITIONS.

- (a) Mayor, Qualifications. The chief executive officer of the city shall be a mayor who shall be elected by the voters of the city at large. Any voter shall be eligible to hold the office of mayor. If the mayor is no longer domiciled within the city, the office shall immediately be deemed vacant and filled in the manner provided in section **2-10**. The mayor shall devote full time to the office and shall not hold any other elective public office.
- (b) Term of Office. The term of office of the mayor shall be 4 years beginning on the first Monday of January following the city election where the mayor is chosen and shall continue until a successor is qualified, unless that day falls on a holiday, in which event, the term of office shall begin on the next day. No person shall be elected to more than three consecutive four-year terms to the office of mayor.
- (c) Prohibitions. The mayor shall hold no other city office or city employment for which a salary or other emolument is payable from the city treasury. No former mayor shall hold any compensated appointed city office or city employment until 1 year following the date on which the former mayor's term of service as mayor has terminated. Nothing in this subsection shall prevent a city officer or employee who has vacated a position in order to serve as mayor from returning to the same office or position of city employment held at the time the position was vacated; provided, however, that no such person shall be eligible for any other municipal position until at least 1 year after the termination of service as mayor. Nothing in this subsection shall apply to persons covered under the leave of absence provisions of section 37 of chapter 31 of the General Laws.

SECTION 2-2 EXECUTIVE POWERS; ENFORCEMENT OF ORDINANCES.

The executive powers of the city shall be vested solely in the mayor and may be exercised by the mayor personally or through the several city agencies under the general supervision and control of the office of the mayor. The mayor shall cause this charter, the laws, ordinances and other orders for the government of the city to be enforced and shall cause a record of all official acts of the executive branch of the city government to be kept. The mayor shall have authority to singly approve payroll and vendor warrants. The mayor shall exercise general supervision and direction over all city agencies unless otherwise provided by law or by this charter. Each city agency shall furnish to the mayor, immediately upon request, any information, materials or

otherwise as the mayor may request and as the needs of the office of mayor and the interest of the city may require. The mayor shall supervise, direct and be responsible for the efficient administration of all city activities and functions placed under the control of the mayor by law or by this charter. To assist the mayor in performing official duties the mayor may employ assistants, fix their salaries, and determine their duties. The mayor may create additional positions by executive directive subject to appropriation by the municipal council. The mayor shall be responsible for the efficient and effective coordination of the activities of all agencies of the city and for this purpose may, consistent with law, call together for consultation, conference and discussion at reasonable times all persons serving the city, whether elected directly by the voters, chosen by persons elected directly by the voters or otherwise. The mayor shall be a member of every appointed multiple-member body of the city by virtue of the office. As an ex officio member, the mayor may attend any meeting of an appointed multiple-member body of the city at any time, including executive sessions, to participate in the discussions, make motions and exercise every other right of a regular member of such body except for the right to vote.

SECTION 2-3 APPOINTMENTS BY THE MAYOR AND DEPARTMENT DIRECTORS.

The mayor shall appoint, subject only to the confirmation of such appointments by the municipal council under section **3-8**, all city officers and department directors and the members of multiple-member bodies for whom no other method of appointment or selection is provided by this charter. All appointments to multiple-member bodies shall be in accordance with section **2-11**. Upon the expiration of the term of a member of a multiple-member body, a successor shall be appointed in like manner. The mayor shall fill a vacancy for the remainder of the unexpired term of an appointed member of a multiple-member body. All persons classified as department directors including the city solicitor and assistant city solicitors as well as supervisors/directors of divisions of the department of public works shall assist in collective bargaining on behalf of the city and are not eligible to be in any union notwithstanding any collective bargaining agreement to the contrary, but shall receive standard employment contracts that shall be effective until the end of a specific fiscal year that shall be stated in each contract and each contract shall contain a for cause provision with respect to discipline and termination but reappointment shall be at the discretion of the mayor. Appointment of division directors of public works shall be made by the commissioner of public works subject to approval of the mayor; reappointment shall be at the discretion of the commissioner of public works subject to approval of the mayor. The mayor is not authorized to recognize department directors as a member of any collective bargaining unit or group and shall immediately withdraw any such recognition and shall issue individual contracts in accordance with this section. Department directors shall, subject to the consent of the mayor, appoint, promote and discipline all assistants, subordinates and other employees of the agency for which that person is responsible. All appointments and promotions made by the mayor shall be made on the basis of merit and fitness demonstrated by examination, past performance or by other evidence of competence and suitability. Each person appointed to fill an office or position shall be a person especially fitted by education, training and/or previous work experience to perform the duties of the office or position for which the person is chosen. All appointments made by the mayor within the last ninety days of the mayoral term, or the mayor otherwise vacating the office of mayor, shall be considered temporary appointments under section **2-5**.

SECTION 2-4 REMOVAL OR SUSPENSION OF CERTAIN OFFICIALS.

- (a) City Officers and Department Directors. The mayor may remove or suspend any city officer or the director of any city department appointed by the mayor subject to the employment contract in the following manner. The mayor shall deliver a written statement to the person as further specified in this section. In addition, the mayor shall forthwith report the mayor's action and the reasons therefore to the municipal council. The written statement shall set forth in precise detail the specific reasons for the removal or suspension. The written statement shall be delivered in hand or mailed by certified mail, postage prepaid, to the last known address of the city officer or department director, and may also be delivered by electronic mail. The city officer or department director may make a written reply by filing such a reply statement with the city clerk not more than ten business days after the date the statement of the mayor has been filed; provided, however, that this reply shall have no effect upon the removal or

suspension unless the mayor shall so determine. The decision of the mayor in suspending or removing a city officer or a department director shall be final and all authority and responsibility for such suspension or removal shall be vested solely in the mayor.

- (b) Other City Employees. Unless some other procedure is specified in a collective bargaining agreement or by civil service law, a department director may suspend or remove any assistant, subordinate or other employee of the agency for which the department director is responsible. The decision of the department director to suspend or remove any assistant, subordinate or other employee shall be subject to review by the mayor. A person for whom a department director has determined a suspension or removal is appropriate may seek review of such a determination by filing a petition for review, in writing, with the office of the mayor not more than 10 days following receipt of notice of the determination. The decision of the mayor shall be final and all authority and responsibility for suspension or removal shall be vested solely in the mayor. Nothing in this subsection shall be construed to prevent any other review as may be provided by law.

SECTION 2-5 TEMPORARY APPOINTMENTS TO CITY OFFICES.

- (a) If a temporary or permanent vacancy occurs in a city office and the needs of the city require that the office be filled, the mayor may designate the director of another city agency, a city officer, a city employee or some other person to perform the duties of the office on a temporary basis until the position can be filled as otherwise provided by law or by this charter. If a person is designated under this section, the mayor shall file a certificate with the city clerk in substantially the following form:

I designate (name of person) to perform the duties of the office of (designate office in which vacancy exists) on a temporary basis until the office can be filled by (here set out the regular procedure for filling the vacancy or when the regular officer shall return). I certify that said person is qualified to perform the duties that will be required and that I make this designation solely in the interests of the City of Taunton.

(signed)

Mayor

- (b) A person serving as a temporary officer under this section shall have only those powers of the office essential to the performance of the duties of the office during the period of the temporary appointment. Notwithstanding any general or special law to the contrary, no temporary appointment shall be for more than 120 days; provided, however, that 1 extension of not more than 60 days of a temporary appointment may be made when a permanent vacancy exists in the office.

SECTION 2-6 COMMUNICATIONS; SPECIAL MEETINGS.

- (a) Communications to the Municipal Council. The mayor shall from time to time, by written communication, recommend to the municipal council for its consideration such measures as, in the judgment of the mayor, the needs of the city require.
- (b) Special Meetings of the Municipal Council. The mayor may call a special meeting of the municipal council at any time and for any purpose by causing a notice of the meeting to be delivered in hand, via electronic mail, or by first class mail to each member of the municipal council. This notice shall, except in an emergency as determined by the mayor, be delivered not less than 48 hours before the time scheduled for the special meeting to be held, excluding Saturdays, Sundays and legal holidays, and shall specify any purpose for which the meeting is to be held. A copy of each notice shall be immediately posted in the customary manner for municipal council meetings.

SECTION 2-7 APPROVAL OF MAYOR; MAYOR'S VETO; MUNICIPAL COUNCIL'S VETO OVERRIDE.

Every order, ordinance, resolution or vote adopted or passed by the municipal council relative to the affairs of the city, except memorial resolutions and any matters relating to the internal affairs of the municipal

council, shall be presented to the mayor for approval. If the mayor approves of a measure, the mayor shall sign it and thereupon it shall be in force. If the mayor disapproves of a measure, the mayor shall return the measure with the specific reasons for the disapproval attached to it, in writing, to the municipal council and the municipal council shall enter the objections of the mayor on its records. Measures may be reconsidered not less than 10 but not more than 30 days from the date of the measure's return. If the municipal council shall again pass the order, ordinance, resolution or vote by a 2/3 vote of the full council, it shall then take effect notwithstanding the objections of the mayor, but in all cases the veto override vote shall be by roll call vote. Items or parts of items that the mayor neither signs nor so disapproves within fifteen days after the order, ordinance, resolution or vote shall have been presented to the mayor shall be in force on and after the sixteenth day following such presentation.

SECTION 2-8 TEMPORARY ABSENCE OF THE MAYOR.

- (a) Acting Mayor. If by reason of sickness, absence from the city or other cause the mayor shall be unable to perform the duties of the office, the president of the municipal council shall be the acting mayor.
- (b) Powers of Acting Mayor. The acting mayor shall have only those powers of the mayor that are essential to the conduct of the business of the city in an orderly and efficient manner and on which action may not be delayed. The acting mayor may not request additional appropriation unless an emergency exists. The acting mayor shall not make any permanent appointment or removal from city service unless the disability of the mayor shall continue for more than 90 days nor shall an acting mayor approve or disapprove of any measure adopted by the municipal council unless the time within which the mayor must act would expire before the return of the mayor. The acting mayor may not overturn any vetoes of the mayor. During any period in which a councilor is serving as acting mayor, the councilor shall not vote as a member of the municipal council.

SECTION 2-9 DELEGATION OF AUTHORITY BY MAYOR.

The mayor may authorize any subordinate officer or employee of the city to exercise any power or perform any function or duty that is assigned by this charter or otherwise to the mayor and the mayor may rescind or revoke any such authorization previously made; provided, however, that an act performed under any such delegation of authority during a period of authorization shall be and remain the act of the mayor. Nothing in this section shall authorize a mayor to delegate the mayor's powers and duties as a school committee member, the power of appointment to city office or employment or to sign or return measures approved by the municipal council.

SECTION 2-10 VACANCY IN OFFICE OF MAYOR.

- (a) Special Election. If a vacancy occurs in the office of mayor during the first three years and six months of the term for which the mayor was elected, whether by reason of death, resignation, removal from office, incapacity or otherwise, the municipal council shall no later than 15 days, in the manner provided in section 5-1, order a special election to be held not more than 120 days following the date on which the vacancy was created to fill the vacancy for the balance of the then unexpired term. If a regular city election is to be held not more than 180 days following the date on which the vacancy was created, a special election shall not be held and the position shall be filled by vote at such regular election.
- (b) President of Municipal Council to Serve as Interim Mayor. If a vacancy in the office of mayor occurs in the last six months of the term for which the mayor is elected, whether by reason of death, resignation, removal from office or otherwise, the president of the municipal council shall become the interim mayor so long as the president of the municipal council is able and willing to perform the full-time duties of mayor. If the president of the municipal council is unable or unwilling to serve as mayor, the vice-president of the municipal council shall become the interim mayor so long as the vice-president of the municipal council is able and willing to perform the full-time duties of mayor. If the vice-president of the municipal council is unable or unwilling to serve as mayor, the municipal council shall elect from among its members the interim mayor. In the event that ten successive votes result in a tie, the candidate most junior in years of service shall be eliminated from consideration. In the event that multiple

candidates are equally junior in years of service, the candidate most junior in years of service and age shall be eliminated from consideration. Upon the qualification of the interim mayor under this section, a vacancy shall exist in that seat on the municipal council that shall be filled in the manner provided in section 3-9. A president or other councilor serving as interim mayor under this subsection shall not be entitled to have the words "candidate for re-election" printed with their name on the election ballot if they are seeking the office of mayor.

- (c) Powers, Term of Office. A person who assumes the office of mayor under a special election shall have all of the powers of the mayor and a person who assumes the office of interim mayor shall have only those powers of an acting mayor provided in section 2-8. A person elected under subsection (a) shall serve for the balance of the unexpired term at the time of election to the office. A person chosen under subsection (b) shall serve until the time of the next regular election at which time the person elected to fill the office for the ensuing term of office shall, in addition, serve for the balance of the then unexpired term.

SECTION 2-11 MERIT PRINCIPLE.

All appointments and promotions of city officers, employees, and multiple member bodies shall be made on the basis of merit and fitness as demonstrated by examination, past performance or other evidence of competence and suitability.

SECTION 2-12 OATH OF OFFICE OF MAYOR.

A mayor-elect, shall, on the first Monday in January, of each January following the mayoral November election, be sworn to the faithful discharge of the mayor's duties, unless that day falls on a holiday, in which event, the term of office shall begin on the next day. The oath may be administered to the mayor by the city clerk or by a judge of a court of record or by a justice of the peace. A certificate that any oath has been administered shall be entered in the journal of the municipal council. In the event the mayor-elect is unavailable to be sworn in as described, the oath may at any time thereafter be administered to the mayor-elect. A certificate of oath administered shall be entered in the journal of the city clerk.

Article 3

LEGISLATIVE BRANCH.

SECTION 3-1 COMPOSITION, TERM OF OFFICE.

- (a) Composition. There shall be a municipal council that shall exercise the legislative powers of the city. The municipal council shall consist of 9 members, all of whom shall be councilors-at-large who shall be nominated and elected by and from the voters at large.
- (b) Term of Office. There will be annual elections for one-third of the councilors. The term of office for all councilors shall be 3 years, beginning by the second meeting of the municipal council in January in the year following their election and until their successors have been qualified. Initially, in order to facilitate staggered terms, there will be three one-year terms, three two-year terms, and three three-year terms, and each year thereafter the expiring three terms will be filled by election. Initially, the councilors who receive the most votes shall receive the initial three-year terms, then the two-year terms, then the one-year terms, in that order. In the event that multiple councilors receive the same number of votes, the councilor senior in years of service on the municipal council shall receive the said term. If two or more members are equally senior in years of service on the municipal council, the member senior both in years of service on the municipal council and age shall receive the said term. No person shall be elected to more than four consecutive three-year terms as a municipal councilor.
- (c) Eligibility. Any voter shall be eligible to hold the office of councilor. A councilor shall, at the time of election, be a voter of the city; provided, however, that if a councilor is no longer domiciled within the city, the office shall immediately be deemed vacant and filled in the manner provided in section 3-9.
- (d) Oath of Office of Municipal Council. The municipal council members-elect shall, by the second meeting

of the municipal council in January of the year following the November election, meet and be sworn to the faithful discharge of their duties. The oath may be administered to the municipal council by the mayor, city clerk, or by a judge of a court of record or by a justice of the peace. A certificate that any oath has been administered shall be entered in the journal of the municipal council. In the event that any municipal councilor-elect is unable to be sworn in as described, the oath may at any time thereafter be administered to such municipal councilor-elect. A certificate of each oath subsequently administered shall be entered in the journal of the municipal council.

SECTION 3-2 PRESIDENT AND VICE-PRESIDENT.

- (a) **Election and Term.** Following each election and as soon as practicable after the councilors-elect have been qualified as provided in section **3-1**, the members of the municipal council shall elect by majority vote from among its members a president who shall serve for 1 year. If the mayor or city clerk is unable to preside during this election, the municipal council member senior in years of service on the municipal council shall preside during this election. If 2 or more members are equally senior in years of service on the municipal council, the member senior both in years of service and age shall preside. The president shall be sworn by the mayor or city clerk or, in the case of the absence of the mayor and city clerk, by any person qualified to administer oaths or affirmations. In the event that ten successive votes result in a tie, the candidate most junior in years of service shall be eliminated from consideration, and the process shall continue as aforesaid until one candidate is elected. In the event that multiple candidates are equally junior in years of service, the candidate most junior in years of service and age shall be eliminated from consideration. The mayor shall be the presiding officer of municipal council meetings, and in the absence of the mayor, the president shall preside, and in the absence of the president, the vice president shall preside, and in the absence of the vice president, the municipal council member most senior in years of service shall preside, and in the event that multiple members are equally senior in years of service, the member most senior in years of service and age shall preside. The vice president shall be elected in the same manner and shall be the acting president in the president's absence.
- (b) **Removal and Vacancy.** The president may be removed at any time by a vote requiring two-thirds. Any vacancy shall be filled by the vice president and shall trigger an election to fill the position of vice president.
- (c) **Powers and Duties.** The mayor shall preside at all meetings of the municipal council, set its agenda, regulate its proceedings, and decide all questions of order, and in the mayor's absence the president shall preside, and in the president's absence the vice president shall preside. The municipal council may, by a majority vote of its members, place an item on the agenda for a subsequent meeting. The president shall have the same powers to vote upon the measures coming before the municipal council as any other member of the municipal council. The president shall perform other duties consistent with the office as provided by charter.

SECTION 3-3 PROHIBITIONS.

- (a) **Holding Other City Office or Position.** No member of the municipal council may concurrently receive both compensation for service as a municipal councilor and city employment for which a salary or other emolument is payable from the city treasury. No current or former member of the municipal council shall hold a compensated appointed city office or employment before 1 year following the date on which the former member's service on the municipal council ended unless the municipal councilor held the same position prior to the municipal councilor's service as a member of the municipal council, but no such person shall be eligible for any other municipal position before 1 year following the termination of service as a member of the municipal council.
- (b) **Separation of Powers.** No individual member of the municipal council shall give operational or management orders or directions, either publicly or privately, to an officer or employee of the city who is appointed by the mayor.

SECTION 3-4 LEGISLATIVE POWERS.

The legislative power of the city shall be vested in the municipal council, which shall provide for its exercise and for the performance of all duties and obligations appertaining thereto.

SECTION 3-5 EXERCISE OF POWERS; QUORUM; RULES.

- (a) Exercise of Powers. Except as otherwise provided by law or this charter, the legislative powers of the municipal council may be exercised in a manner determined by the municipal council.
- (b) Quorum. The presence of 5 members of the municipal council shall constitute a quorum for the transaction of business; provided, however, that a smaller number may meet and adjourn from time to time.
- (c) Committees/Rules of Procedure. The municipal council shall determine its committees by the second municipal council meeting in January. The municipal council shall annually by the second municipal council meeting in February adopt rules regulating its procedures that shall include, but not be limited to, a requirement that:
 - (i) Regular meetings of the municipal council shall occur beginning the first week of January and every other week thereafter;
 - (ii) Regular committee meetings of the municipal council shall occur beginning the second week of January and every other week, as needed, thereafter. Special committee meetings of the municipal council may occur as needed whether on the regular committee meeting week or on the regular meeting of the municipal council week;
 - (iii) Special meetings of the municipal council be held at the call of the mayor, president, or at the call of not less than 4 members, by written notice delivered in hand, via electronic mail, or by first class mail to each member; provided, however, that such notice shall contain a listing of the items to be acted upon; provided further, that except in case of an emergency, such notice shall be delivered not less than 48 hours in advance of the time set for such meeting, excluding Saturdays, Sundays and legal holidays. In the event a municipal council committee meeting is occurring at the time a meeting of the municipal council is scheduled to begin, the municipal council committee meeting shall adjourn or recess and the municipal council meeting shall commence.
 - (iv) All sessions of the municipal council and of every committee or subcommittee of the board be open to the public unless another provision has been made by law; and
 - (v) Accurate and up-to-date minutes of the proceedings of the municipal council will be kept, which shall include a record of each vote taken and which shall be made available with reasonable promptness following each meeting; provided, however, that the minutes of an executive session shall be made available as soon as their publication would not defeat the lawful purposes of the executive session.

SECTION 3-6 ACCESS TO INFORMATION.

- (a) Investigations. The municipal council may, by two-thirds vote, conduct investigations into alleged improper actions or wrongdoing in the affairs of the city and into the conduct and performance of any city agency and make inquiry upon good faith. The municipal council may spend money to conduct the investigation, by requesting the mayor to initiate a sufficient appropriation. In the event the mayor does not initiate a request for a sufficient appropriation within 15 days after being presented with the request, the municipal council may, not less than 16 days but not more than 30 days from the date presented to the mayor, by a two-thirds vote, which vote shall be by roll call vote, spend up to a maximum of \$100,000 per fiscal year for investigations under this section.
- (b) City Officers, Members of Boards and Commissions. The municipal council may require by majority vote any city officer or member of a board or commission to appear before the municipal council to give any information that the municipal council may require in relation to the municipal services, functions, powers or duties that are within the scope of responsibility of that person and within the jurisdiction of the municipal council. The mayor may bring to such meeting any assistant, department director or other

city officer that the mayor deems necessary to assist in responding to the questions posed by the municipal council.

- (c) Notice. The municipal council shall give at least 10 days' notice in the event of an investigation and 7 days' notice to any other person before such appearance. The notice shall include specific questions on which the municipal council seeks information and no person called to appear before the municipal council under this section shall be required to respond to any subject not relevant or related to those presented in advance and in writing.

SECTION 3-7 APPOINTMENTS OF THE MUNICIPAL COUNCIL.

- (a) Clerk of Committees. The municipal council shall elect a clerk of committees to serve at the pleasure of the municipal council. The clerk of committees shall perform the duties as may be provided by ordinance or by other vote of the municipal council, and is supervised by the council president.
- (b) Salary, Compensation. The clerk of committees shall receive such salary or other compensation as provided by ordinance.
- (c) The municipal council shall be the appointing authority for purposes of civil service, general law chapter 31.

SECTION 3-8 MUNICIPAL COUNCIL CONFIRMATION OF CERTAIN APPOINTMENTS.

The mayor shall submit to the municipal council the name of each person the mayor desires to appoint as a member of a multiple-member body or as a department director; provided, however, that this provision shall not apply to appointments to a position subject to the civil service law. Such appointments made by the mayor shall become effective upon a majority vote or upon the expiration of 30 days following the date that notice of the proposed appointment was filed with the city clerk unless rejected by the municipal council within those 30 days. For each mayoral appointment under this section, the mayor shall provide to the municipal council, at or before the time of submission of the name, a copy of the person's resume. Any such resume shall be held in confidence by the municipal council and shall not be shared or disseminated to any other person and nothing in this section shall be construed to make the person's resume a public record.

SECTION 3-9 FILLING OF VACANCIES.

Councilor. If a vacancy shall occur in the office of councilor, the vacancy shall be filled within 14 days in descending order of votes received by the candidate for the office of councilor at the preceding city election who received the highest number of votes without being elected, if that person remains eligible and willing to serve as councilor, and if unwilling or ineligible, to the person who received the next highest votes, and so on. In the event there are no candidates receiving any votes that are eligible and willing to serve, the council will elect by a majority vote of the full council any registered voter in the city. A person elected by the municipal council under this section to fill a vacancy shall serve for the remainder of the unexpired term and shall not be entitled to have the words "candidate for re-election" printed with the person's name on the election ballot if they are seeking the office of councilor. The city clerk shall certify this candidate to the office of councilor to serve for the remainder of the unexpired term.

Article 4 SCHOOL COMMITTEE.

SECTION 4-1 COMPOSITION, TERM OF OFFICE.

- (a) Composition. There shall be a school committee that shall consist of 9 members, 8 of whom who shall be nominated and elected by and from the voters of the city at large. The mayor shall serve as the ninth member of the school committee by virtue of office and shall have the same powers and duties as the members elected by the voters as school committee members.
- (b) Term of Office. There will be annual elections for one-third of the school committee members. The term

of office for all school committee members shall be 3 years, beginning by the second meeting of the school committee in January in the year following their election and until their successors have been qualified. Initially, in order to facilitate staggered terms, there shall be three three-year terms, three two-year terms, and two one-year terms, and each year thereafter, the expiring terms shall be filled by election. Initially, the school committee members who receive the most votes shall receive the initial three-year terms, the school committee members receiving the next highest votes shall receive the two-year terms, and the school committee members receiving the next highest votes shall receive the one-year terms. No person shall be elected to more than four consecutive three-year terms as a school committee member.

- (c) Eligibility. A school committee member shall, at the time of election, be a voter of the city. If a school committee member is no longer domiciled within the city, the office shall immediately be deemed vacant and filled in the manner provided in section 4-5.
- (d) Oath of Office of School Committee. The school committee members-elect shall, beginning by the second meeting of the school committee in January, of each January following the November election, meet and be sworn to the faithful discharge of their duties. The oath may be administered to the school committee members by the mayor or city clerk or by a judge of a court of record or by a justice of the peace. A certificate that any oath has been administered shall be entered in the journal of the school committee. In the event a school committee member is unable to be sworn in as described, the oath may at any time thereafter be administered to such school committee member. A certificate of each oath subsequently administered shall be entered in the journal of the school committee. After the oath has been administered to the school committee members present, they shall organize by electing from among their number a person to serve as the vice chair as provided in section 4-2. If the mayor or city clerk is unable to preside during this election, the member senior in years of service on the school committee shall preside during the election. If 2 or more members are equally senior in years of service on the school committee, the member senior both in years of service and age shall preside. The vice chair shall be sworn by the mayor or city clerk or, in the case of the absence of the mayor and city clerk, by any person qualified to administer oaths or affirmations.

SECTION 4-2 SCHOOL COMMITTEE CHAIR AND VICE CHAIR.

- (a) Election and Term. Following each city election and as soon as practicable after the school committee members-elect have been qualified as provided in section 4-1, the members of the school committee shall elect by majority vote from among its members a school committee vice chair.
- (b) Removal and Vacancy. The vice chair may be removed at any time by a vote requiring two-thirds. Any such removal shall trigger an election to fill the position of vice chair as provided in this section.
- (c) Powers and Duties. The mayor shall preside and chair all meetings of the school committee, regulate its proceedings, and decide all questions of order, and in the absence of the mayor, the school committee vice chair shall preside, and in the absence of the school committee vice chair, the school committee member most senior in years of service shall preside, and in the event that multiple members are equally senior in years of service, the member most senior in years of service and age shall preside. The school committee vice chair shall have the same powers to vote upon all measures coming before the school committee as any other member of the school committee. The school committee vice chair shall perform such other duties consistent with the office as may be provided by this charter.

SECTION 4-3 PROHIBITIONS.

No member of the school committee may concurrently receive both compensation for service as a school committee member and city employment for which a salary or other emolument is payable from the city treasury. No current or former member of the school committee shall hold any compensated appointed city office or city employment until at least 1 year after the date on which the member's service on the school committee has terminated; unless the school committee member held the same position prior to said school

committee member's service as a member of the school committee, but such person shall not be eligible for any other municipal position until at least 1 year after the termination of service as a member of the school committee.

SECTION 4-4 SCHOOL COMMITTEE POWERS AND DUTIES.

The school committee shall have all of the powers conferred on school committees by the General Laws and such additional powers and duties as may be provided by this charter, by ordinance or otherwise and not inconsistent with the grant of powers conferred by the General Laws. The powers and duties of the school committee shall include, but not be limited to:

- (i) employ a superintendent of the schools who shall be charged with the administration of the school system, subject only to policy guidelines and directives adopted by the school committee;
- (ii) upon the recommendation of the superintendent, establishing and appointing assistant or associate superintendents as provided in section 59 of chapter 71 of the General Laws;
- (iii) making all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable; and
- (iv) adopting and overseeing the administration of an annual operating budget for the school department, subject to appropriation by the municipal council; provided, however, that the school committee shall have general charge and superintendence of all school buildings and grounds and shall furnish all school buildings with proper fixtures, furniture and equipment.
- (v) Committees/By-laws and Policies. The school committee shall determine its committees, whether special or standing, and shall from time to time adopt by-laws and policies.

The school committee shall provide ordinary maintenance of all school buildings and grounds. If the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or a designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated.

SECTION 4-5 FILLING OF VACANCIES.

Runner-Up to Succeed to Office. If a vacancy shall occur in the office of school committee member, the vacancy shall be filled within 14 days, in descending order of votes received, by the candidate for the office of school committee member at the preceding city election who received the highest number of votes without being elected if such person remains eligible and willing to serve as a school committee member; and, if unwilling or ineligible, to the person who received the next highest votes, and so on. In the event there are no candidates receiving any votes that are eligible and willing to serve, the school committee will elect by a majority vote any registered voter in the city. A person elected by the school committee to fill a vacancy shall serve until the next regular election, at which time the vacancy shall be filled by the voters and the person elected to fill the vacancy shall immediately be sworn and shall serve for the remainder of the unexpired term in addition to the term for which the person is elected, if any. A person elected by the school committee to serve as school committee member under this section shall not be entitled to have the words "candidate for re-election" printed with the person's name on the election ballot if they are seeking the office of school committee member. The city clerk shall certify this candidate to the office of school committee member to serve for the balance of the unexpired term.

Article 5 ELECTIONS.

SECTION 5-1 CITY ELECTIONS: GENERAL, PRELIMINARY.

The regular general city election shall be held on the first Tuesday following the first Monday in November in each year. A preliminary election, if necessary, for the purpose of nominating candidates shall be held on the first Tuesday in September; provided, however, that the city clerk may, with the approval of the

municipal council, reschedule the preliminary election to the second Tuesday in September to avoid a conflict with any civil or religious holiday. If a special election to fill a vacancy in the office of mayor is to be held, a preliminary election shall be conducted, if necessary, 28 days before the date established for the special election.

SECTION 5-2 NON-PARTISAN ELECTIONS.

All elections for city offices shall be nonpartisan and election ballots shall be printed without any party mark, emblem or other designation.

SECTION 5-3 PRELIMINARY ELECTION, WHEN NECESSARY.

- (a) **Ballot Position.** The order in which names of candidates appear on the ballot shall be determined by a drawing by lot conducted by the board of election commissioners at a properly posted meeting for which the matter appears on the meeting notice and shall be open to the public.
- (b) **Determination of Candidates.** If the number of candidates certified by the elections office for any elected office to be voted upon is more than double the available positions, then a preliminary election shall be held. The preliminary election shall determine the remaining candidates, which amount shall not be greater than double the available positions and the remaining candidates shall be the sole candidates for that office whose names shall be printed on the official ballots to be used at the regular general city election at which the office is to be voted upon and no acceptance of a nomination shall be necessary to its validity. If the preliminary election results in a tie vote among candidates for nomination receiving the lowest number of votes which, but for the tie vote, would entitle a person receiving the same to have the person's name printed on the official ballots for the election, all candidates participating in the tie vote shall have their names printed on the official ballots even though the ballots will have a number of candidates exceeding twice the number to be elected.
- (c) **Condition Making Preliminary Unnecessary.** If at the expiration of time for filing statements the number of candidates for any elected office to be voted upon at any preliminary election is not more than double the available positions, then no preliminary election shall be held. The candidates whose statements have been filed with the city clerk shall have been nominated to the office, their names shall be voted upon for the office at the succeeding general election and the board of election commissioners shall not print their names on the ballots to be used at the preliminary election.

SECTION 5-4 BALLOT POSITION, REGULAR CITY ELECTION.

The order in which names of candidates appear on the ballot for each office shall be determined by a drawing by lot conducted by the board of election commissioners at a properly posted meeting for which the matter appears on the meeting notice and shall be open to the public and conducted not less than 30 days before the date of the election.

SECTION 5-5 APPLICATION OF THE GENERAL LAWS.

Except as otherwise expressly provided in this charter and authorized by law, all city elections shall be governed by the laws of the Commonwealth relating to the right to vote, the registration of voters, the nomination of candidates, the conduct of preliminary, general and special elections, the submission of charters, charter amendments and other propositions to the voters, the counting of votes, the recounting of votes and the determination of results.

SECTION 5-6 RECALL

- (a) **Application.** Any person who holds an elected office in the city with more than six months remaining in the term of such office on the date of filing of the affidavit as described in this section may be recalled therefrom by the registered voters of the city in the manner provided in this section. No recall petition shall be filed against an officer within 6 months after taking office.
- (b) **Recall Affidavit.** A recall petition may be initiated by the filing of an affidavit containing the name of the officer sought to be recalled, the office held, and a statement of the grounds for recall, provided that the

affidavit is signed by at least 500 registered voters. At least fifty names of registered voters shall be from each of the wards into which the city is divided. The board of election commissioners shall, within 3 business days, certify thereon the number of signatures, which are names of registered voters. The form, available from the office of the board of election commissioners, shall include a blank for one signer to be identified as the "lead petitioner." The board of election commissioners shall thereupon deliver to said registered voters making the affidavit copies of petition blanks demanding such recall, copies of which printed forms the board of election commissioners shall keep available. The recall petitions shall be returned to the office of the board of election commissioners within 45 days after the date they are issued, signed by not less than 15% of registered voters, and no more than 25% of these signatures can come from any one ward, and at least 1% of registered voters shall be from each of the wards into which the city is divided. The board of election commissioners shall, within 10 business days, certify thereon the number of signatures, which are names of registered voters.

(c) Recall Election. If the petition shall be found and certified by the board of election commissioners to be sufficient, the board of election commissioners shall submit the same with such certificate to the municipal council within 10 business days, and the municipal council shall forthwith give written notice of the receipt of the certificate to the officer sought to be recalled and shall, if the officer does not resign within 5 days thereafter, order a recall election to be held on a date fixed by them not less than 60 days and not more than 90 days after the date of the board of election commissioners' certificate that a sufficient petition has been filed; provided, however, that if any other city election is to occur within 150 days after the date of the certificate, the municipal council shall postpone the holding of the recall election to the date of such other election.

(d) Ballot question. Ballots used at the recall election shall state the proposition in substantially the following form:

Shall (insert name of officer) be recalled from the office of (insert name of office held)?

YES _____

NO _____

(e) Officeholder: If the officer whose recall is sought has not resigned the office, the officer shall continue to hold and perform the duties of the office until the recall election. If a majority of the votes cast on the question as stated above is in the affirmative, the officer shall be deemed recalled, and the office shall be vacant upon the certification of the election results. If a majority of the votes cast on the question is in the negative, the person whose recall was sought shall continue in the office until the expiration of the term for which elected and no repeat recall affidavit may be filed until at least 270 days after such recall election date.

(f) Filling of Vacancy. If the office of mayor is declared vacant as the result of a recall election, the council shall immediately call a special election to be held on a date fixed by it not less than 90 nor more than 120 days after the date of the recall election. The nomination of candidates shall all be in accordance with the provision of laws relating to elections. The person elected at that special election shall serve as mayor for the balance of the unexpired term remaining at the time of such election. Vacancies in any other elected office shall be filled under sections 3-9, 4-5, 6-4, 6-5, as applicable, and in any other elected office in descending order of votes received by the candidate for the office at the preceding city election who received the highest number of votes without being elected, if that person remains eligible and willing to serve, and if unwilling or ineligible, to the person who received the next highest votes, and so on. In the event there are no candidates receiving any votes that are eligible and willing to serve, the office will be appointed by the mayor.

(g) Prohibition on Officeholder Recalled. No person recalled from an office under the terms of this section shall be eligible to be a candidate to fill any vacancy created by that recall. No person who has been recalled from an office or who has resigned from office while recall proceedings were pending against such person shall be appointed to any municipal office within two years after such recall or such resignation.

Article 6
ADMINISTRATIVE ORGANIZATION

SECTION 6-1 DEPARTMENTS, BOARDS, COMMITTEES, AND POSITIONS

There shall be in the City of Taunton the departments, multiple-member bodies, and positions set forth herein, in addition to any other departments, boards, committees and positions as may presently exist or be established by ordinance or executive directive or law.

SECTION 6-2 PUBLIC WORKS

(a) Jurisdiction. There shall be a department of public works responsible for the performance of all public works related functions and activities of the city. The department of public works shall perform all of the public works related functions which are associated with the following boards, departments and offices or which are now or may from time to time by general or special law be vested in such boards, departments and offices: street department, water department, sewer department, traffic department, public buildings department, sealer of weights and measures, engineering department, and other departments concerned with public works. The department of public works shall also have jurisdiction and control over maintenance and repair of all equipment, material, and motor vehicles which are associated with public works, and it may have such additional powers, duties and responsibilities with respect to public works related functions and activities as may from time to time be provided by ordinance or executive directive. Notwithstanding any provision of this section to the contrary, the powers and duties of the department of public works may be divided into 2 or more departments. All departments and agencies existing at the time of adoption of this charter or in the future that are under the jurisdiction of the department of public works shall be referred to as divisions of the department of public works.

(b) Commissioner. The director of the department of public works shall be called the commissioner. The mayor shall appoint the commissioner of public works as provided in section 2-3 subject to confirmation of the municipal council under section 3-8. The commissioner shall have all of the necessary powers to supervise the supervisors of the water department and sewer department and every other division within the jurisdiction of the department of public works including where applicable to exercise the powers of water and sewer department directors provided under the General Laws.

(c) Divisions. Each division shall have a supervisor who shall be the administrative and operational director of the division. The supervisor of the engineering department shall be referred to as the city engineer. All other administrative and operational directors shall be referred to as the supervisor of each respective division. All supervisors shall be under the direct control of the commissioner of public works and shall be directly responsible to the commissioner of public works in addition to the mayor. Appointment to supervisor shall be made by the commissioner subject to approval of the mayor as provided in section 2-3.

SECTION 6-3 BOARD OF HEALTH

There shall be a board of health whose administration, composition and selection of members shall be as established by General Laws, chapter 111 § 26.

SECTION 6-4 PLANNING BOARD

There shall be a planning board consisting of seven members with staggered terms of three years. All planning board members shall be elected. Members must be registered voters of the city. If a planning board member is no longer domiciled within the city, the office shall immediately be deemed vacant and filled in the manner provided for in this section. Initially, in order to facilitate staggered terms of three years, there shall be three three-year terms, two two-year terms, and two one-year terms, and each year thereafter the expiring terms shall be filled by election for three-year terms. Initially, the candidates who receive the most votes shall receive the initial three-year terms, then the two-year terms, then the one-year terms, in that order. In the event that multiple candidates receive the same number of votes, the candidate senior in years of service on the planning board shall receive the said term. If two or more candidates are equally senior in

years of service on the planning board, the candidate senior both in years of service on the planning board and age shall receive the said term. No person shall be elected to more than four consecutive three-year terms as a planning board member. The planning board shall elect by majority vote from among its members a chairperson and a clerk. Vacancies shall be filled in descending order of votes received by the candidate for the office of planning board member at the preceding city election who received the highest number of votes without being elected, if that person remains eligible and willing to serve as planning board member, and if unwilling or ineligible, to the person who received the next highest votes, and so on. In the event there are no candidates receiving any votes that are eligible and willing to serve, the vacancy shall be appointed by the mayor as provided in section 2-3, subject to the confirmation of the municipal council as provided in section 3-8. A person so appointed under this section to fill a vacancy shall serve for the remainder of the unexpired term and shall not be entitled to have the words "candidate for re-election" printed with the person's name on the election ballot if they are seeking the office of planning board member. The city clerk shall certify this candidate to the office of planning board member to serve for the remainder of the unexpired term.

SECTION 6-5 ZONING BOARD OF APPEALS

There shall be a zoning board of appeals consisting of five members and two alternate members with terms of three years. All zoning board members shall be elected. Members must be registered voters of the city. If a zoning board member is no longer domiciled within the city, the office shall immediately be deemed vacant and filled in the manner provided for in this section. Initially, in order to facilitate staggered terms of three years, there shall be two member three-year terms, one alternate member three-year term, one member two-year term, one alternate member two-year term, and two member one-year terms, and each year thereafter the expiring terms shall be filled by election for three-year terms. Initially, the candidates who receive the most votes shall receive the initial member three-year terms, then the member two-year term, then the member one-year terms, then the alternate member three-year term, then the alternate member two-year term, in that order. In the event that multiple candidates receive the same number of votes, the candidate senior in years of service on the zoning board shall receive the said term. If two or more candidates are equally senior in years of service on the zoning board, the candidate senior both in years of service on the zoning board and age shall receive the said term. No person shall be elected to more than four consecutive three-year terms as a zoning board member. The zoning board of appeals shall elect by majority vote from among its members a chairperson and a clerk. Vacancies shall be filled in descending order of votes received by the candidate for the office of zoning board member at the preceding city election who received the highest number of votes without being elected, if that person remains eligible and willing to serve as zoning board member, and if unwilling or ineligible, to the person who received the next highest votes, and so on. In the event there are no candidates receiving any votes that are eligible and willing to serve, the vacancy shall be appointed by the mayor as provided in section 2-3, subject to the confirmation of the municipal council as provided in section 3-8. A person so appointed under this section to fill a vacancy shall serve for the remainder of the unexpired term and shall not be entitled to have the words "candidate for re-election" printed with the person's name on the election ballot if they are seeking the office of zoning board member. The city clerk shall certify this candidate to the office of zoning board member to serve for the remainder of the unexpired term.

Article 7

FISCAL AND FINANCE PROCEDURES.

SECTION 7-1 FISCAL YEAR.

The fiscal year of the city shall begin on the first day of July and shall end on the last day of June, unless another period is required by the General Laws.

SECTION 7-2 SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

At least 45 days before the beginning of the fiscal year, the mayor shall submit to the municipal council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing

fiscal year. The school budget, as adopted by the school committee shall be submitted to the mayor at least 30 days before the submission of the proposed operating budget to the municipal council. The mayor shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the mayor. The mayor and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the General Laws.

SECTION 7-3 ACTION ON THE OPERATING BUDGET

(a) Public Hearing. The city clerk, at the direction of the municipal council, shall publish a notice of the proposed operating budget as submitted by the mayor in at least 1 newspaper of general circulation in the city with either a weekly or daily circulation; provided, however, that if no general circulation publication exists within the city, newspaper shall also include online publications to the extent allowed by law. The notice shall state (1) the times and places where copies of the entire proposed operating budget are available for inspection by the public, and (2) the date, time and place not less than 14 days after its publication, when a public hearing on the proposed operating budget will be held by the municipal council.

(b) Adoption of the Budget - The municipal council shall adopt the proposed operating budget, with or without amendments, within 45 days following the date the proposed budget is filed with the city clerk. In amending the proposed operating budget, the municipal council may delete or decrease any amounts except expenditures required by law, but except on the recommendation of the mayor, the municipal council shall not increase any item in or the total of the proposed operating budget, unless otherwise authorized by the General Laws. If the municipal council fails to take action on any item in the proposed operating budget within 45 days after its receipt, that amount shall, without any action by the municipal council, become a part of the appropriations for the year, and be available for the purposes specified.

SECTION 7-4 CAPITAL IMPROVEMENT PROGRAM.

The mayor shall submit a capital improvement program to the municipal council every 2 years and not less than 120 days before the start of the fiscal year in which the program report is due and the capital improvement program shall appear on the first municipal council agenda of March in said year. The capital improvement program shall include: (i) a clear and concise general summary of its contents; (ii) a list of all capital improvements proposed to be undertaken during the next ensuing 5 years, with supporting information as to the need for each capital improvement; (iii) cost estimates, methods of financing and recommended time schedules for each improvement; and (iv) the estimated annual cost of operating and maintaining each facility and piece of major equipment involved. The mayor may annually revise this information with regard to the capital improvements still pending or in the process of being acquired, improved or constructed.

SECTION 7-5 EXPENDITURES IN EXCESS OF APPROPRIATIONS.

Except as otherwise provided by law, no official of the City of Taunton shall knowingly and intentionally expend in any fiscal year any sums in excess of the appropriations, awards, grants or gifts duly made in accordance with law or involve the city in any contract for the future payment of money in excess of these appropriations, awards, grants or gifts and any such expenditure or involvement shall be in strict compliance with section 31 of chapter 44 of the General Laws.

SECTION 7-6 AUDIT COMMITTEE.

There shall be established an audit committee which shall consist of five members. Members shall serve three-year terms. The committee shall be comprised of the following members: two (2) appointments of the mayor, one of which may be the mayor, and three (3) members of the municipal council, who shall be members of the committee on finance and salaries. The audit committee shall annually provide for an outside audit of the books and accounts of the city to be made by a certified public accountant or a firm of certified public accountants that has no personal interest, direct or indirect, in the fiscal affairs of the city or any of its officers. The audit committee shall not select the same auditor or auditing firm for more than five

consecutive years. The mayor shall annually provide and the municipal council annually appropriate a sum of money sufficient to satisfy the estimated cost of conducting the audit. The award of a contract to audit shall be made by the audit committee annually, not later than September 15. The clerk of committees shall coordinate the work of the individual or firm selected. The report of the audit shall be filed in final form with the municipal council and city clerk not later than March 1 in the year following the award of the contract. The audit committee shall annually develop a scope of audit services, oversee the selection of an auditor or auditing firm, review the audit report, form an opinion on the performance of the auditor or auditing firm, and report back to the municipal council and the mayor. The audit committee shall, as necessary, monitor the progress of corrective action plans developed by finance officials to address audit findings and management letter comments.

Article 8 **GENERAL PROVISIONS.**

SECTION 8-1 CHARTER CHANGES.

The charter may be replaced, revised or amended in accordance with any procedure made available by Article LXXXIX of the Amendments to the Massachusetts Constitution and any general or special law enacted to implement the constitutional amendment.

SECTION 8-2 SEVERABILITY.

The provisions of this charter shall be severable. If a provision of this charter is held invalid, the other provisions shall not be affected by such invalidity. If the application of this charter to a person or circumstance is held invalid, the application of this charter and its provisions to other persons and circumstances shall not be affected by such invalidity.

SECTION 8-3 SPECIFIC PROVISION TO PREVAIL.

To the extent that a specific provision of this charter shall conflict with a provision expressed in general terms, the specific provision shall prevail.

SECTION 8-4 UNIFORM PROCEDURES GOVERNING MULTIPLE-MEMBER BODIES.

- (a) Meetings. All appointed multiple-member bodies of the city shall meet regularly. Special meetings of any multiple-member body shall be held on the call of the chairman or by one-third of the members of the body by written notice delivered in hand, via electronic mail or by first class mail to the place of residence of each member not less than 48 hours in advance of the time set for the meeting, excluding Saturdays, Sundays and legal holidays; provided, however, that the written notice shall contain notice of the subjects to be acted upon. A copy of the notice shall be posted as required by applicable open meeting law. Except as may otherwise be authorized by law, all meetings of all multiple-member bodies shall be open to the public.
- (b) Rules and Minutes. Each appointed multiple-member body shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings. These rules and minutes shall be a public record in accordance with public records law.
- (c) Voting. If requested by a member, a vote of an appointed multiple-member body shall be taken by a call of the roll and the vote of each member shall be recorded in the minutes. If the vote is unanimous, only that fact shall be recorded.
- (d) Quorum. A majority of the members of an appointed multiple-member body shall constitute a quorum but a smaller number may meet and adjourn from time to time. Unless some other provision is made by the multiple-member body's own rules while a quorum is present, except on procedural matters, a majority of the full membership of the body shall be required to adopt a vote representing an exercise of the powers of the multiple-member body.

SECTION 8-5 NUMBER AND GENDER.

Words importing the singular number may extend and be applied to several persons or things, words importing the plural number may include the singular, and words importing the masculine gender shall include the feminine gender and words importing the feminine gender shall include the masculine gender.

SECTION 8-6 REFERENCES TO GENERAL LAWS.

References to General Laws. All references to the general or special laws contained in the charter refer to the General Laws of the Commonwealth and are intended to include any amendments or revisions to the chapters and sections or to the corresponding chapters and sections of any rearrangement of the General Laws enacted subsequent to the adoption of the charter.

SECTION 8-7 COMPUTATION OF TIME.

In computing time under this charter, the day of the act or event after which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall be extended to the next day that is not a Saturday, Sunday or legal holiday. When the period of time designated is less than 7 days, intermediate Saturdays, Sundays and legal holidays shall not be included.

SECTION 8-8 CERTIFICATE OF ELECTION OR APPOINTMENT.

Every person who is elected, including those elected by the municipal council, or appointed to an office of the city including members of a multiple-member body, shall receive a certificate of such election or appointment from the city clerk. Except as otherwise provided by law, every person who is elected, including those elected by the municipal council or appointed to an office of the city, before performing any act under this appointment or election, shall take and subscribe to an oath to qualify to enter upon the duties. The oath may be administered by the mayor or city clerk or by a judge of a court of record or by a justice of the peace. A record of this oath shall be kept by the city clerk.

SECTION 8-9 LIMITATION ON OFFICE HOLDING.

No person shall simultaneously hold more than 1 full-time city office or position of employment. Any hours worked in any part-time position shall not be the same or otherwise conflict with the hours worked in a full-time position.

SECTION 8-10 CITY GROUP INSURANCE PROGRAMS.

Notwithstanding any general or special law to the contrary, elected part-time officials, stipend recipients, multiple-member body members, municipal council members, and school committee members shall not be eligible to participate in the city's group insurance programs subject to the following: Any municipal council or school committee member enrolled in the city's insurance as of July 1, 2021 shall be eligible to continue to participate in the same manner and contribution rate until such time as the member's current and any consecutive terms expire.

SECTION 8-11 FELONY CONVICTION DURING TERM OF OFFICE.

Felony Conviction. Any city official elected under Articles 2, 3, 4, 6 of this charter or appointed to a multiple member body under Article 6 who is convicted of a state or federal felony offense while holding office shall be deemed to have vacated their office.

Article 9

TRANSITIONAL PROVISIONS.

SECTION 9-1 CONTINUATION OF EXISTING LAWS.

All General Laws, special laws, city ordinances and rules and regulations of or pertaining to the city, including special acts creating regional entities and arrangements of which the city is a member, that are in force when this charter takes effect and not specifically or by implication repealed by this charter shall

continue in full force and effect until amended or repealed, rescinded by law or expire by their own limitation. If a provision of this charter is found to be inconsistent with any general or special law that would otherwise be applicable, this charter shall prevail. Every inconsistency between a prior law and this charter shall be decided in favor of this charter.

SECTION 9-2 CONTINUATION OF GOVERNMENT AND ADMINISTRATION.

All city agencies shall continue to perform their duties until re-elected or reappointed or until successors to their respective positions are duly appointed or elected or until their duties have been transferred and assumed by another city agency.

SECTION 9-3 TRANSFER OF RECORDS AND PROPERTY.

All records, property and equipment whatsoever of any city agency, or part thereof, the powers and duties of which are assigned in whole or in part to another city agency shall be transferred immediately to that agency.

SECTION 9-4 EFFECT ON OBLIGATIONS, TAXES, ETC.

All official bonds, recognizances, obligations, contracts and other instruments entered into or executed by or to the city before the adoption of this charter and all taxes, assessments, fines, penalties and forfeitures, incurred or imposed, due or owing to the city shall be enforced and collected and all writs, prosecutions, actions and causes of action, except as otherwise provided in this charter, and except conflicting collective bargaining agreements, shall continue without abatement and remain unaffected by this charter. No legal act done by or in favor of the city shall be rendered invalid by reason of the adoption of this charter.

SECTION 9-5 TIME OF TAKING EFFECT.

The charter shall take effect immediately upon approval of the voters and in accordance with the following schedule:

- (a) The full powers vested in city officers and the several city agencies shall be effective immediately following the election at which the charter is adopted.
- (b) The respective number of years of terms for the offices of mayor, municipal council, school committee, planning board, and zoning board of appeals as implemented by this charter shall take effect for the terms immediately following and as a result of the city election following the election approving this charter.

SECTION 9-6 ORDINANCE REVIEW COMMITTEE.

- (a) Not later than the first day of the February after the city election following the election approving this charter, the mayor and municipal council shall provide for a review to be made of the ordinances of the municipality for the purpose of preparing a revision to conform with the charter.
- (b) This review shall be made by a special committee to consist of seven (7) members. The committee shall be comprised of the following members: the mayor or mayor's designee, the city solicitor or city solicitor's designee, two (2) members appointed by the mayor and shall be voters of the city, and three (3) of the members shall be councilors, who shall be members of the committee on ordinances and enrolled bills.
- (c) The special committee shall file its report with the mayor and the municipal council, not later than the last day of December in the year in which the committee is appointed.
- (d) The recommendations of the special committee shall appear on the municipal council agenda for action before the fifteenth day of March in the following year and, if not so scheduled, the matter shall come before the municipal council for action at its next meeting held following the said fifteenth day of March.

SECTION 9-7 PERIODIC REVIEW OF CHARTER.

In May of every year ending in five (5) or zero (0), the city shall appoint a charter review committee to review the city charter and make report and recommendations to the mayor and municipal council for

changes to it through special legislation passed through the Massachusetts General Court but nothing in this section shall prevent the city from enacting or amending a charter under any procedure made available by Article LXXXIX of the Amendments to the Massachusetts Constitution and any general or special law enacted to implement the constitutional amendment. The committee shall consist of seven (7) members: four (4) voters appointed by the mayor, and three (3) voters selected by the municipal council by a majority vote. The committee shall, after a public hearing, file its report and recommendations with the city clerk and municipal council, not later than the first day of May in the year following the year in which the committee is appointed. The recommendations of the committee shall appear on the council agenda before the fifteenth day of June in that year and, if not so scheduled by the municipal council, the matter shall come before the municipal council for action at its next meeting held after the said fifteenth day of June.

SECTION 9-8 FORM OF QUESTION

This act shall be submitted for acceptance to the qualified voters of the city of Taunton at the 2021 regular election in the form of the following question which shall be placed on the official ballot to be used at the election:

“Shall an act passed by the General Court in the year 2021, entitled ‘(insert name of act)’ be accepted?”.

Below the question shall appear a fair and concise summary of the proposed charter amendments (or changes) prepared by the city solicitor.

If a majority of the votes cast in answer to such question is in the affirmative, this act shall thereupon take effect, but not otherwise.

Article 10

CITIZEN PARTICIPATION MECHANISMS.

SECTION 10-1. CITIZEN INITIATIVE MEASURES

(a) Commencement - Initiative procedures shall be started by the filing of a proposed initiative petition with the city clerk. The petition shall be addressed to the municipal council, shall contain a request for the passage of a particular measure which shall be set forth in full in the petition and shall be signed by at least 250 registered voters. At least 25 signatures must be certified from each ward. The petition shall be accompanied by an affidavit signed by 10 registered voters and containing their residential address stating those registered voters will constitute the petitioners committee and be responsible for circulating the petition and filing it in proper form.

(b) Referral to City Solicitor - The city clerk shall, immediately following receipt of a proposed petition, deliver a copy of the petition to the city solicitor. The city solicitor shall, within 15 days following receipt of a copy of the petition, in writing, advise the municipal council and the city clerk whether the measure as proposed may lawfully be proposed by the initiative process and whether, in its present form, it may lawfully be adopted by the municipal council. If the opinion of the city solicitor is that the measure is not in proper form, the reply shall state the reasons for this opinion, in full. A copy of the opinion of the city solicitor shall be mailed to the members of the petitioners committee.

(c) Submission to City Clerk - If the city solicitor determines that the petition is in a proper form, the city clerk shall provide blank forms for the use of subsequent signers and shall print at the top of each blank form a fair, concise summary of the proposed measure, as determined by the city solicitor, together with the names and addresses of the first 10 registered voters who signed the originating petition. The city clerk shall notify the first 10 registered voters that the blank forms are issued. Within 30 days following the date of the notice, the petition shall be returned and filed with the city clerk signed by at least 10 per cent of the total number of registered voters as of the date of the most recent regular city election. Signatures to an initiative petition need not all be on 1 paper, but all papers pertaining to any 1 measure shall be fastened together and shall be filed as a single instrument, with the endorsement on it of the name and address of the person designated as filing the papers. With each signature on the petition there shall also appear the street and number of the residence of each signer. Within 10 days following the filing of the petition, the board of election

commissioners shall ascertain the number of registered voters that signed the petition and the percentage that number is of the total number of registered voters as of the date of the most recent regular city election. The board of election commissioners shall attach to the petition a certificate showing the results of its examination and shall return the petition to the city clerk. A copy of the board of election commissioners' certificate shall also be mailed to the members of the petitioners committee.

(d) Action on Petitions - Within 30 days following the date a petition has been returned to the city clerk and after publication under subsection (f), the municipal council shall act with respect to each initiative petition by passing it without change, by passing a measure which is stated to be in lieu of the initiative measure or by rejecting it. The passage of a measure which is in lieu of an initiative measure shall be deemed to be a rejection of the initiative measure. If the municipal council fails to act within 30 days following the date the measure is returned to it, the measure shall be deemed to have been rejected on the thirtieth day. If an initiative measure is rejected, the city clerk shall promptly give notice of that fact to the petitioners committee by certified mail.

(e) Supplementary Petitions - Within 60 days following the date an initiative petition has been rejected, a supplemental initiative petition may be filed with the city clerk, but only by persons constituting the original petitioners committee. The supplemental initiative petition shall be signed by a number of additional registered voters equal to at least 5 per cent of the total number of registered voters as of the date of the most recent regular city election. The signatures on the initial petition filed under subsection (c) and the signatures on the supplemental petition filed under this subsection, taken together, shall contain the signatures of at least 15 per cent of the total number of registered voters as of the date of the most recent regular city election. If the number of signatures to this supplemental petition is found to be sufficient by the city clerk, the municipal council shall call a special election to be held on a date not less than 35 nor more than 90 days following the date of the certificate of the city clerk that a sufficient number of registered voters have signed the supplemental initiative petition and shall submit the proposed measure, without alteration, to the registered voters for determination, but if a city election is to be held within 120 days following the date of the certificate, the municipal council may omit calling the special election and cause the question to appear on the election ballot at the approaching election for determination by the registered voters.

(f) Publication - The full text of an initiative measure which is submitted to the registered voters shall be published in at least 1 local newspaper not less than 7 nor more than 14 days preceding the date of the election at which the question is to be voted upon. Additional copies of the full text shall be available for distribution to the public in the office of the city clerk.

(g) Form of Question - The ballots used when voting on a measure proposed by the registered voters under this section shall contain a question in substantially the following form:

Shall the following measure which was proposed by an initiative petition take effect? (Here insert the fair, concise summary of the proposed measure, as determined by the city solicitor as referenced in subsection (c)). Yes or No.

(h) Time of Taking Effect - Subject to section 10-4, if a majority of the votes cast on the question is in the affirmative, the measure shall be deemed to be effective immediately, unless a later date is specified in the measure.

SECTION 10-2. CITIZEN REFERENDUM PROCEDURES

(a) Petition, Effect on Final Vote - If, within 30 days following the date on which the municipal council has voted finally to approve any measure, a petition signed by a number of registered voters equal to at least 15 per cent of the total number of registered voters as of the date of the most recent regular city election and addressed to the municipal council protesting against the measure or any part of it is filed with the city clerk, the effective date of that measure shall be temporarily suspended. The municipal council shall immediately reconsider its vote on the measure or part of it and, if the measure is not rescinded, the municipal council shall provide for the submission of the question for a determination by the registered voters either at a special election, which it may call at its convenience, or at the next regular city election; provided, however, that pending this submission and determination, the effect of the measure shall continue to be suspended.

(b) Certain Initiative Provisions to Apply - The petition described in this section shall be termed a referendum petition and section 10-1, as the section relates to the filing and certification of signatures, shall apply to such referendum petitions, except that the words "measure or part thereof protested against" shall be deemed to replace the word "measure" and the word "referendum" shall be deemed to replace the word "initiative". Subject to section 10-4, the measure or part thereof protested against shall be null and void unless a majority of those voting on the question shall vote in favor of the measure or part thereof protested against at the election.

SECTION 10-3. INELIGIBLE MEASURES

None of the following shall be subject to the initiative or the referendum procedures set forth herein:

- (1) proceedings relating to the internal organization or operation of the municipal council or of the school committee;
- (2) an emergency measure adopted under the charter;
- (3) the city budget;
- (4) any appropriation for the payment of the city's debt or debt service;
- (5) an appropriation of funds to implement a collective bargaining agreement;
- (6) proceedings relating to the election, appointment, removal, discharge, employment, promotion, transfer, demotion or other personnel action, or any other action that is executive rather than legislative in nature;
- (7) any proceedings repealing or rescinding a measure or part of it which is protested by referendum procedures;
- (8) any proceedings providing for the submission or referral to the registered voters at an election; and
- (9) resolutions, memorial actions, citations, other non-binding actions, and other votes constituting ordinary, routine matters not suitable as the subject of a referendum petition.

SECTION 10-4. REQUIRED REGISTERED VOTER PARTICIPATION

For any measure to be effective under initiative procedure and for any measure to be declared null and void under a referendum procedure, at least 20 per cent of the registered voters as of the most recent regular city election must vote at an election that includes on the ballot submission to the registered voters of 1 or more initiative or referendum questions.

SECTION 10-5. SUBMISSION OF OTHER MATTERS TO REGISTERED VOTERS

The municipal council may on its own motion submit to the registered voters at any regular city election for adoption or rejection a measure in the same manner and with the same force and affect as are provided for submission by initiative or referendum petitions. The municipal council may alternatively submit any non-binding public opinion advisory question.

SECTION 10-6. CONFLICTING PROVISIONS

If 2 or more measures passed at the same election contain conflicting provisions, only the 1 receiving the greatest number of affirmative votes shall take effect.